EUROPEAN COMMISSION

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PUBLIC VERSION

To the notifying parties

Subject: **Case M.9783 - EQT / OMERS / DGF / INEXIO**
Commission decision pursuant to Article 6(1)(b) of Council Regulation (EC) No 139/2004[1] and Article 57 of the Agreement on the European Economic Area[2]

Dear Sir or Madam,

1. On 02 April 2020, the European Commission received notification of a proposed concentration pursuant to Article 4 of the Merger Regulation by which the undertakings EQT Infrastructure IV (Luxembourg), controlled by EQT Fund Management S.à.r.l (Luxembourg, "EFMS") and OMERS Infrastructure European Holdings 2 B.V. (Netherlands, "OMERS Infrastructure"), controlled by OMERS Administration Corporation (Canada, "OMERS"), acquire within the meaning of Article 3(1)(b) and Article 3(4) of the Merger Regulation joint control over the whole of (i) Goethe Acquisition GmbH and its subsidiaries comprising the Deutsche Glasfaser Group (Germany, "DGF"), and (ii) inexio Beteiligungs GmbH & Co. KGaA and inexio Beteiligungs Geschäftsführungs GmbH and its subsidiaries (Germany, "Inexio") by way of purchase of shares.[3]

2. The business activities of the undertakings concerned are:

   – for EQT Infrastructure IV: an investment fund part of the EQT group of private equity funds that has investment activities in infrastructure and infrastructure-related assets and businesses primarily in Europe and North America.

   – for OMERS Infrastructure: the European investment platform for infrastructure investments for OMERS, which is responsible for the investment and administration of pensions for active, deferred and retired employees of municipalities, school boards, libraries, police departments and other local agencies in Ontario.

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1 OJ L 24, 29.1.2004, p. 1 (the 'Merger Regulation'). With effect from 1 December 2009, the Treaty on the Functioning of the European Union ('TFEU') has introduced certain changes, such as the replacement of 'Community' by 'Union' and 'common market' by 'internal market'. The terminology of the TFEU will be used throughout this decision.

2 OJ L 1, 3.1.1994, p. 3 (the 'EEA Agreement').

3 Publication in the Official Journal of the European Union No C 116, 08.04.2020, p. 20.

Commission européenne, DG COMP MERGER REGISTRY, 1049 Bruxelles, BELGIQUE
Europese Commissie, DG COMP MERGER REGISTRY, 1049 Brussel, BELGIË

Tel: +32 229-91111. Fax: +32 229-64301. E-mail: COMP-MERGER-REGISTRY@ec.europa.eu.

– for DGF: the provision of B2C and B2B fixed internet access services predominantly to retail and business customers in Germany, predominantly in the North Rhine-Westphalia and Lower Saxony areas, as well as the provision of IPTV services.

– for Inexio: the provision of fixed internet access services in Germany, fibre optic network services, cloud technology and hosting solutions for B2B and B2C customers with the majority of customers in the Rhineland Palatinate and Saarland areas

3. After examination of the notification, the European Commission has concluded that the notified operation falls within the scope of the Merger Regulation and of paragraph 5(c) of the Commission Notice on a simplified procedure for treatment of certain concentrations under Council Regulation (EC) No 139/2004.[4]

4. For the reasons set out in the Notice on a simplified procedure, the European Commission has decided not to oppose the notified operation and to declare it compatible with the internal market and with the EEA Agreement. This decision is adopted in application of Article 6(1)(b) of the Merger Regulation and Article 57 of the EEA Agreement.

For the Commission

(Signed)
Olivier GUERSENT
Director-General

4 OJ C 366, 14.12.2013, p. 5.